

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JENNIFER ANN FEDOREK,)	
)	
Plaintiff)	
)	
v.)	
)	Civil Action No. 05-186 Erie
RONALD SNYDER and)	
KEOKE CRAFT)	
)	
Defendants)	Jury Trial Demanded

DEFENDANTS' MOTION TO DISMISS AND STRIKE

Defendants Ronald Snyder and Keoke Craft respectfully submit the following
Defendants' Motion to Dismiss and Strike.

1. On June 15, 2006 plaintiff Jennifer Ann Fedorek filed this pro se civil rights action by filing a completed form approved by the Court in accordance with W.D.PA.LR 9.2. Service of process was achieved on defendant Keoke Craft on February 13, 2006 and on defendant Ronald Snyder on February 14, 2006.

2. Plaintiff's complaint asserts violations of the Eighth and Fourteenth Amendments to the United States Constitution, arising out of events that occurred on May 14, 2005 at the Venango County Prison, located in Franklin, Venango County, Pennsylvania. (Complaint, ¶¶I, III and IV.A.-B.) At the time plaintiff was serving a sentence imposed by the Venango County Court of Common Pleas. (Complaint, ¶I)

3. Plaintiff asserts that as of May 14, 2005 she had been placed "in segregation" in the Venango County Prison and that no reason for that placement was stated to her. On that date defendant Craft placed her in handcuffs and escorted her from "segregation" to the visitor area of the Venango County Jail ("VCJ") to see a visitor; placing plaintiff in handcuffs to make this trip was inconsistent with the policy of VCJ.

4. During the trip defendant Craft yelled at plaintiff, insisted she wear the handcuffs during the visit and, at various points in time, "yank[ed]" on the handcuffs, "pinched the back of [plaintiff's] arm" and "threw [plaintiff] into the receiving desk." Defendant Craft then refused to allow plaintiff to attend the visit and placed plaintiff in her cell with the handcuffs still on, telling plaintiff she would remove the handcuffs "when she felt like it." As a result, there was swelling and there were bruises on plaintiff's wrists. (Complaint, ¶IV.C)

5. Two other corrections officers thereafter came to plaintiff's cell and removed the handcuffs. An investigation of the incident was conducted by the Venango County Sheriff's office and plaintiff filed a grievance. Thereafter plaintiff was retaliated against for complaining about these events: other prisoners were instructed not to speak with her and, apparently, they obeyed. (Complaint, ¶IV.C)

6. Plaintiff complained that defendant Snyder, the Warden of VCJ, wronged her by "agree[ing] upon the standards of [her] living situation [and] ... not enforc[ing] any [consistency] in the rules [and] regulations" of VCJ. Her complaint against defendant Craft was that she "used unnecessary force [and] created her own procedure in the prison." (Complaint, ¶IV.C.)

7. Plaintiff requests an award of compensatory damages in the amount of \$160,000.00. (Complaint, ¶VI)

8. Defendants assert that (a) plaintiff's demand for an award of compensatory damages in the amount of \$160,000.00 is in violation of W.D.PA.LR 8.1 and, therefore, should be stricken pursuant to Fed.R.Civ.P. 12(f) and (b) plaintiff's claim against defendant Snyder should be dismissed pursuant to Fed.R.Civ.P. 12(b)(6) because plaintiff's Complaint does not allege his personal involvement in the alleged violations of her Constitutional rights.

WHEREFORE, defendants Ronald Snyder and Keoke Craft respectfully request that the Court grant Defendants' Motion to Dismiss and Strike, striking from the Complaint of plaintiff Jennifer Ann Fedorek her claim for compensatory damages in a certain amount and dismissing defendant Ronald Snyder from this action.

Respectfully submitted,

/s/ James T. Marnen
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 7th day of March, 2006, a copy of the within document was served on all counsel of record and unrepresented parties in accordance with the applicable rules of court.

/s/ James T. Marnen

James T. Marnen